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10/657,427	09/08/2003	Scott Anthony Arvin	G&C 30566.307-US-U1	9022
55895 7590 12/10/2007 GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				
EXAMINER				
KE, PENG				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/657,427

**Applicant(s)**

ARVIN, SCOTT ANTHONY

**Examiner**

SIMON KE

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/26/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-17, 19-33 and 35-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-17, 19-33 and 35-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 9/26/07.

Claims 1, 3-17, 19-33 and 35-48 are pending in this application. Claims 1, 17 and 33 are independent claims. In the Amendment, filed on 9/26/07, claims 1, 4, 9, 17, 19, 20, 25, 33, and 36 were amended.

#### ***Claim Rejections - 35 USC § 103***

Claims 1, 3-17, 19-33 and 35-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora et al. ("Arora" US Patent No. 5,845,299) in view of Malamud et al. ("Malamud" US Patent No. 6,948,126) and Kreegar et al. ("Kreegar" US Patent No. 5,396,590).

Regarding independent claim 1, Arora teaches a method for temporarily displaying information relating to an object manipulator:

displaying a graphic object in a computer graphics program; displaying an object manipulator on the graphic object; (i.e. "Properties" window related to items 502 and 504 in FIG. 5 et seq. of Arora);

wherein the object manipulator comprises a glyph or symbol that is used to modify a property of the graphic object; (figure 9a-9d)

Arora does not teach temporarily displaying information relating to the object manipulator without activating the object manipulator.

Malamud teaches receiving cursor input wherein a cursor is placed over the object (i.e. see tooltip associated with objects in FIGS. 2D-2H et seq. of Malamud).

It would have been obvious to an artisan at the time of the invention to combine the cursor input of Malamud into the information display of Arora. Said artisan would have been motivated to combine Malamud into Arora so that through manipulation of the cursor the user is able to have displayed information about the object (i.e. see col. 1 line 52 et seq. of Malamud).

Kreegar teaches displaying information relating to the object manipulator without activating the object manipulator (i.e. col. 2 line 50 et seq. of Kreegar: "without having to activate different modes for different manipulations").

It would have been obvious to an artisan at the time of the invention to combine the non-activation required manipulators of Kreegar into the temporary display of Arora as modified by Malamud. Said artisan would have been motivated to combine Kreegar into the modified Arora to allow a user to manipulate the objects without having to resort to alternative methods of manipulation (i.e. col. 2 line 45 et seq. of Kreegar).

Regarding dependent claim 3, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein temporarily displaying the information comprises changing a color of the object manipulator (i.e. compare "Color..." button in FIG. 3 et seq. of Arora with changes in object manipulators in Figs. 4(a)-5(e) et seq. of Kreegar),

wherein other object manipulators are displayed in close proximity on the graphic object such that it is difficult to distinguish which object manipulator will be activated as a result of pointing device activation (i.e. note proximity of tooltip information to cursor in FIGS. 2D-2H et seq. of Malamud), and wherein the changing of the color distinguishes the object manipulator from the other object manipulator (i.e. compare "Color..." button in FIG. 3 et seq. of Arora with

changes in object manipulators in Figs. 4(a)-5(c) et seq. of Kreegar).

Regarding dependent claim 4, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information comprises a value of the property to be modified by the object manipulator (i.e. "Properties" window related to items 502 and 504 in FIG. 5 et seq. of Arora).

Regarding dependent claim 5, Arora, in combination with Malamud and Kreegar teaches the method of claim 4, wherein the property comprises a dimensional property (i.e. "Width" and "Height" in pixels in FIG. 3 et seq. of Arora).

Regarding dependent claim 6, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information comprises a graphics visual representation of the graphic object indicating a potential change to a state of the graphic object (i.e. "Properties" window related to items 502 and 504 in FIG. 5 et seq. of Arora).

Regarding dependent claim 7, Arora, in combination with Malamud and Kreegar teaches the method of claim 6, wherein the potential change comprises potential results of interacting with the object manipulator (i.e. "sample text" in item 504, compare "Properties" window in FIG. 5 et seq. of Arora).

Regarding dependent claim 8, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information comprises a function of the object manipulator (i.e. note item 301 in Fig. 4(a) et seq. of Kreegar).

Regarding dependent claim 9, Arora, in combination with Malamud and Kreegar teaches the method of claim 8, wherein the function comprises a name of the property the object manipulator is used to modify (i.e. "Name Information Pointer" 26 in FIG. 2A et seq. of Malamud).

Regarding dependent claim 10, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information is displayed in a text message box (i.e. note box in "Name Information Pointer" 26 in FIG. 2A et seq. of Malamud).

Regarding dependent claim 11, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information comprises a method used to modify a function of the object manipulator (i.e. note item 301 in Fig. 4(a) et seq. of Kreegar).

Regarding dependent claim 12, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information is displayed immediately when the cursor is located over the object manipulator (i.e. compare object manipulators in Fig. 3 et seq. of Kreegar with information displayed when cursor over object in FIG. 2D et seq. of Malamud).

Regarding dependent claim 13, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information is displayed after a period of time has passed with the cursor located over the object manipulator (i.e. compare object manipulators in

Fig. 3 et seq. of Kreegar with information displayed when cursor over object in FIG. 2D et seq. of Malamud).

Regarding dependent claim 14, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information is hidden from display after a period of time has passed (i.e. compare related items with and without information in FIGS. 2D-2H et seq. of Malamud).

Regarding dependent claim 15, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information remains displayed until a user activates the object manipulator (i.e. compare object manipulators in Fig. 3 et seq. of Kreegar with information displayed when cursor over object in FIG. 2D et seq. of Malamud).

Regarding dependent claim 16, Arora, in combination with Malamud and Kreegar teaches the method of claim 1, wherein the information remains displayed until the cursor is moved off of the object manipulator (i.e. compare object manipulators in Fig. 3 et seq. of Kreegar with information displayed when cursor over object in FIG. 2D et seq. of Malamud).

Claim 17 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 3, and is therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claim 23 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Claim 24 is similar in scope to claim 8, and is therefore rejected under similar rationale.

Claim 25 is similar in scope to claim 9, and is therefore rejected under similar rationale.

Claim 26 is similar in scope to claim 10, and is therefore rejected under similar rationale.

Claim 27 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claim 28 is similar in scope to claim 12, and is therefore rejected under similar rationale.

Claim 29 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Claim 30 is similar in scope to claim 14, and is therefore rejected under similar rationale.



Claim 31 is similar in scope to claim 15, and is therefore rejected under similar rationale.

Claim 32 is similar in scope to claim 16, and is therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 1, and is therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 3, and is therefore rejected under similar rationale.

Claim 36 is similar in scope to claim 4, and is therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Claim 40 is similar in scope to claim 8, and is therefore rejected under similar rationale.

Claim 41 is similar in scope to claim 9, and is therefore rejected under similar rationale.

Claim 42 is similar in scope to claim 10, and is therefore rejected under similar rationale.

Claim 43 is similar in scope to claim 11, and is therefore rejected under similar rationale.

Claim 44 is similar in scope to claim 12, and is therefore rejected under similar rationale.

Claim 45 is similar in scope to claim 13, and is therefore rejected under similar rationale.

Claim 46 is similar in scope to claim 14, and is therefore rejected under similar rationale.

Claim 47 is similar in scope to claim 15, and is therefore rejected under similar rationale.

Claim 48 is similar in scope to claim 16, and is therefore rejected under similar rationale.

***Response to Argument***

Applicant's arguments filed on 9/26/07 have been fully considered but they are not persuasive.

Applicant's argument focused following:

A) Arora, Malamud, and Kreegar fail to teach temporarily displaying information relating to an object manipulator that is used to modify property of a graphic object

A) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the combination of Malamud and Arora teaches this limitation. Combining Malamud's property information pop-up window of selected item (see Malamud col. 7, lines 42-70) with Arora's object manipulator. (see Arora, col. 9, lines 40-50)

B) Arora, Malamud, and Kreegar fail to teach temporarily displaying information relating to an object manipulator that is used to modify a property of a graphic object without activating the object manipulator.

In this case, In this case, the combination of Malamud and Arora teaches this limitation. Combining Malamud's property information pop-up window of selected item (see Malamud col. 7, lines 42-70) with Arora's object manipulator. (see Arora, col. 9, lines 40-50)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke  
/S. K./  
Examiner, Art Unit 2174

***/David A Wiley/  
Supervisory Patent Examiner, Art Unit 2174***